

Application No. 10/624,113

Docket No.: 29968/38059A

REMARKS

Claims 44-48 and 50-52 were examined in the most recent office action, dated July 14, 2005. All claims stand rejected as either anticipated by or obvious over certain references cited in the office action.

Claim 44 is Allowable.

Applicants traverse the rejection to claim 44, as amended, as anticipated under 35 U.S.C. § 102(b) by Gieling, U.S. Patent No. 5,144,780. Claim 44 recites, in part, a slot extending generally perpendicularly to the guide post, the slot being configured to engage a divider bar. Gieling fails to teach or suggest this element.

Gieling discloses a coupling 27 with a butt plate 29 and stems 33 extending out from both sides of the butt plate 29. The stems 33 include slots 43 extending in parallel with the stems 33. Here, the stems 33 are analogous to the guide posts of claim 44. Gieling fails to disclose any slots that extend generally perpendicular to the stems 33. Accordingly, claim 44 is not anticipated by Gieling.

Claim 44 is further non-obvious over Gieling, because Gieling teaches away from a slot extending generally perpendicularly to the guide post. The stems 33 are designed to be inserted into tubes 1 to couple a pair of tubes 1 together. The slots 43 in the stems 33 are designed to accept the ribs 25 on the inner surfaces of the tubes 1 as the stems 33 are inserted into the interior of the tubes 1. Accordingly, the slots 43 cannot be perpendicular to the stems 33.

Further, the specification teaches away from a slot in the butt plate 29. The specification states, "Coupling 27 comprises a narrow butt plate 29 that is defined by outer margins 31 that extend to outer post surface 2 to provide a *smooth overall contour*." Gieling, C3:L68-C4:L3 (emphasis added). Accordingly, the purpose of the butt plate 29 is to provide a smooth surface transitioning across the tubes 1 that are connected by the coupling 27. There is therefore no teaching or suggestion for a slot in the butt plate 29 generally perpendicular to the stems 33. Sasajima, U.S. Patent No. 4,867,599 ("Sasajima"), cited as prior art against certain dependent claims, adds nothing with respect to this claim.

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Dependent claims 45-48 and 51-52 are allowable for the same reasons. In particular, with respect to claims 45 and 46, Sasajima is non-analogous art. One of ordinary skill would not look to the teachings of the automotive industry to combine with the teachings of Gieling. Accordingly, the rejections to these claims should be withdrawn on this basis as well.

Claims 53-63 are Allowable.

Claim 53 recites, in part, a slot disposed in the top side of the body and extending along the first axis, and a guide post disposed at an angle from the first axis. Claim 61 recites, in part, a slot disposed in the body and extending along a first axis, and a guide post disposed generally perpendicular to the first axis.

As outlined above, Gieling fails to anticipate the claims 53-63. Gieling discloses a coupling 27 with slots 43 extending in parallel with the stems 33. Gieling fails to disclose slots 43 extending at an angle from the stems 33, much less generally perpendicular to the stems 33. Accordingly, claims 53 and 61 are novel with respect to Gieling. Further Gieling fails to suggest the noted claimed elements. Gieling discloses that the slots 43 must be parallel to the stems 33 so that the tubes 1 can be slid over the stems 33. Further, Gieling teaches away from the butt plate including a slot. Accordingly, claims 53 and 61 are allowable over Gieling. Dependent claims 54-60, 62, and 63 are allowable for the same reasons.

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CONCLUSION

In view of this amendment, applicants submit the pending application is in condition for allowance. If, in the opinion of the examiner, a telephone conference would expedite prosecution of the subject application, the examiner is invited to call the undersigned attorney.

No fee is believed due at this time. However, if any fee is due, please charge our Deposit Account No. 13-2855, under Order No. 29968/38059A from which the undersigned is authorized to draw.

Dated: September 13, 2005

Respectfully submitted,

By 

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